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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,581	10/23/2001	Timothy Gayle Goux	CARE01 (8116.110574)	4848

6980 7590 01/26/2006

TROUTMAN SANDERS LLP
600 PEACHTREE STREET, NE
ATLANTA, GA 30308

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/044,581	Applicant(s) GOUX, TIMOTHY GAYLE	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08 December 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 23 October 2001. Claims 1-27 are pending. The IDS statements filed on 08 December 2003 and 25 September 2002 have been entered and considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2 recites the limitation "the *insurance* program" (emphasis added). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ibarra (6,119,097; hereinafter Ibarra).

(A) As per claim 1, Ibarra discloses a method for providing improved performance of a target entity, the method comprising the steps of:

- (a) formulating a program containing program requirements (Ibarra: col. 4, lines 22-39; col. 5, lines 63-67; col. 6, lines 1-39; Fig. 1-2);
- (b) implementing procedures designed for the target entity to meet the program requirements (Ibarra: col. 4, lines 39-47);
- (c) monitoring the results of the procedures to identify the proximity of the target entity meeting the program requirements (Ibarra: col. 4, lines 49-54; col. 6, lines 15-67; col. 7, lines 1-22; Fig. 3);

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- (d) identifying the proximity of the target entity meeting the program requirements (Ibarra: col. 4, lines 49-54; col. 6, lines 15-67; col. 7, lines 1-22; Fig. 3); and
 - (e) communicating the proximity to an interested third party (Ibarra: col. 4, lines 20-65).
- (B) As per claim 5, Ibarra discloses the method of Claim 1, wherein monitoring the results of the procedures to identify the proximity of the target entity meeting the program requirements further comprises providing feedback to the target entity regarding satisfaction of the program requirements (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).
- (C) As per claim 6, Ibarra discloses the method of Claim 1, wherein communicate the proximity to an interested third party further comprises the steps of:
 - (a) attributing a score to the monitored results (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12); and
 - (b) providing the score to the interested third party (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).
- (D) As per claim 7, Ibarra discloses the method of Claim 6, wherein attributing a score to the monitored results further comprises attributing a numerical score indicating

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the conformance of the target entity to the program requirements (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

(E) As per claim 8, Ibarra discloses the method of Claim 7, wherein communicating the proximity to an interested third party further comprises the step of providing the score to the target entity (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra as applied to claim 1 above, and further in view of Luchs et al. (4,831,526; hereinafter Luchs).

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(A) As per claim 2, Ibarra fails to expressly disclose the method of Claim 1, wherein the formulating a program containing program requirements step comprises a target entity purchasing the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs. In particular, Luchs discloses the method of Claim 1, wherein the formulating a program containing program requirements step comprises a target entity purchasing the insurance program (Luchs: abstract; col. 3, lines 65-67; col. 4, line 1; Fig. 1-13).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the teachings of Ibarra with the motivation of enhancing the marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

(B) As per claim 3, Ibarra fails to expressly disclose the method of Claim 1, wherein formulating a program containing program requirements comprises a single insurer offering the program.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs. In particular, Luchs discloses the method of Claim 1, wherein formulating a program containing program requirements comprises a single insurer offering the program (Luchs: abstract; col. 3, lines 65-67; col. 4, line 1; Fig. 1-13).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the teachings of Ibarra with the motivation of

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enhancing the marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra as applied to claim 1 above, and further in view of Walker et al. (6,119,093; hereinafter Walker).

(A) As per claim 4, Ibarra fails to expressly disclose the method of Claim 1, wherein the formulating a program containing program requirements step comprises several insurance providers underwriting the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Walker. In particular, Walker discloses the method of Claim 1, wherein the formulating a program containing program requirements step comprises several insurance providers underwriting the insurance program (Walker: abstract; col. 2, lines 40-44).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Walker with the teachings of Ibarra with the motivation of enhancing the marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

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9. Claims 9, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeTore (4,975,840; hereinafter DeTore), in view of Ibarra.

(A) As per claim 9, DeTore discloses the method for providing reduced insurance premiums for an insured entity from an insuring entity, the method comprising the steps of:

- (a) formulating an insurance program containing predetermined program requirements (DeTore: abstract; col. 3, line 35-col. 4, line 53; col. 7, line 39-col. 8, line 47; col. 12, line 12-col. 14, line 9; col. 14, line 40-col. 15, line 18; Fig. 1-12);
- (b) implementing procedures designed for the insured entity to meet the program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12);
- (c) monitoring the results of the procedures to identify the proximity of the insured entity meeting the program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12);
- (d) identify the proximity of the insured entity meeting the program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12); and
- (e) attributing a score to the monitored results (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

DeTore, however, fails to expressly disclose the method for providing reduced insurance premiums for an insured entity from an insuring entity, the method comprising the steps of:

- (f) providing the score to the entity.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses the method for providing reduced insurance premiums for an insured entity from an insuring entity, the method comprising the steps of:

- (f) providing the score to the entity (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Ibarra with the teachings of DeTore with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

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(B) As per claim 13, DeTore discloses the method of Claim 9, further comprising the step of providing the monitored results to the insured entity (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

(C) As per claim 16, DeTore discloses the method of Claim 9, wherein attributing a score to the monitored results comprises attributing a numerical score indicated the conformance of the insured entity to the program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

10. Claims 10-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeTore and Ibarra as applied to claim 9 above, and further in view of Luchs.

(A) Claim 10 substantially repeats the same limitations of claim 2, and is therefore rejected for the same reasons given for that claim.

(B) Claim 11 substantially repeats the same limitations of claim 3, and is therefore rejected for the same reasons given for that claim.

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(C) As per claim 17, DeTore discloses a method for creating an insurance product for an insured entity while minimizing insurance risks and reducing premium costs, said method comprising the steps of:

- (a) providing a program designed for the insured entity to meet program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12); and
- (b) determining the proximity of the insured entity to the program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

DeTore, however, fails to expressly disclose a method for creating an insurance product for an insured entity while minimizing insurance risks and reducing premium costs, said method comprising the steps of:

- (c) creating a new insurance product;
- (d) distributing the new insurance product to the insured entity through a distribution channel; and
- (e) communicating the proximity to a third party.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs and Ibarra. In particular, Luchs and Ibarra disclose a method for creating an

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insurance product for an insured entity while minimizing insurance risks and reducing premium costs, said method comprising the steps of:

- (d) creating a new insurance product (Luchs: abstract);
- (e) distributing the new insurance product to the insured entity through a distribution channel (Luchs: abstract); and
- (f) communicating the proximity to a third party (Ibarra: col. 4, lines 20-65).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the teachings of DeTore with the motivation of managing insurance policies (Luchs: abstract; col. 2, lines 21-31).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Ibarra with the combined teachings of DeTore and Luchs with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

(D) As per claim 18, DeTore discloses the method of Claim 17, wherein creating a new insurance product comprises creating an insurance product comprising reduced premiums, reduced risk of claims by adherence assurances, and an increased standard in provided services (DeTore: abstract; col. 3, line 35-col. 4, line 53; col. 7, line 39-col. 8, line 45; col. 12, line 12-col. 14, line 9; col. 14, line 40-col. 15, line 18).

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(E) As per claim 19, DeTore discloses the method of Claim 17, wherein distributing the new insurance product to the insured entity through a distribution channel comprises distributing the new insurance product through authorized brokers (DeTore: abstract; col. 4, lines 30-35; col. 9, line 21-col. 9, line 64).

11. Claims 12, 14-15, and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra and DeTore as applied to claim 9 above, and further in view of Walker.

(A) Claim 12 substantially repeats the same limitations of claim 4, and is therefore rejected for the same reasons given for that claim.

(B) As per claim 14, DeTore fails to expressly disclose the method of Claim 9, wherein providing the monitored results to an insuring entity further comprises providing the monitored results by utilizing a web enabled software solution.

Nevertheless, this feature is old and well known in the art, as evidenced by Walker. In particular, Walker discloses the method of Claim 9, wherein providing the monitored results to an insuring entity further comprises providing the monitored results by utilizing a web enabled software solution (Walker: abstract; col. 4, line 45-col. 5, line 8; Fig. 1, and 6-10).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Walker with the teachings of DeTore with the motivation of providing a means of facilitating the sale of insurance (Walker: abstract).

(C) As per claim 15, DeTore discloses the method of Claim 14 wherein providing the monitored results by utilizing a web enabled software solution further comprises providing services to the insured entity and providing reports to the insured entity and the insuring entity (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

(D) Claim 20 differs from method claims 1, 9 and 15 by reciting hardware elements, namely, a server, communications network, program catalyst, and web-enabled software. As per these elements, DeTore and Walker teach:

- (a) a server (Walker: col. 4, lines 45-60; Fig. 1-14);
- (b) communications network (DeTore: col. 3, lines 63-col. 4, line 20; Fig. 1);
- (c) program catalyst (DeTore: col. 4, line 54-col. 5, line 39); and
- (d) web-enabled software (Walker: abstract; col. 4, line 45-col. 5, line 8; Fig. 1, and 6-10).

The remainder of system claim 20 repeats the same limitations of method claims 1, 9 and 15 and are therefore, rejected for the same reasons given for those claims.

(E) Claims 21-23 substantially repeat the same limitations of claims 7, 6 and 14 and are therefore, rejected for the same reasons given for those claims.

(F) Claims 24-27 substantially repeat the same limitations of claims 6, 7, 14, 20 and 23 and are therefore rejected for the same reasons given for those claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a method and apparatus for issuing insurance from kiosk (5,537,315); a method and system for measuring management effectiveness (5,365,425); a design grid for inputting insurance and investment product information in a computer system (5,523,942); a data processing system for providing an efficient market for insurance and reinsurance (6,594,635); methods and apparatus for funding future liability of uncertain cost (4,642,768); a method for accessing and evaluating information for processing an application for insurance (5,809,478); an automated system and method for providing real-time verification of health insurance eligibility (5,832,447); and a system for electronically

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managing and documenting the underwriting of and excess casualty insurance policy (5,873,066).

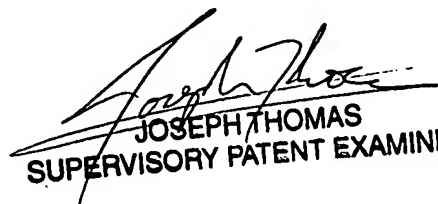
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

 1.18.06


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER